

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DEBRA L. STONE.

Petitioner.

V.

UNITED STATES OF AMERICA.

## Respondent.

Case No. C07-0208RSL

**ORDER DENYING  
CERTIFICATE OF APPEALABILITY**

This matter comes before the Court on petitioner’s “Notice of Appeal to the United States Court of Appeals for the Ninth Circuit.” Dkt. # 18. Petitioner’s appeal is governed by the Antiterrorism and Effective Death Penalty Act of 1996 (“AEDPA”). Pursuant to 28 U.S.C. § 2253(C), the district court or the Ninth Circuit must certify that particular issues may be pursued before the Circuit Court before petitioner may appeal the denial of a habeas corpus petition. *United States v. Asrar*, 116 F.3d 1268 (9th Cir. 1997).

To obtain a certificate of appealability, the petitioner must make a substantial showing of the denial of a constitutional right. “Obviously the petitioner need not show that he should prevail on the merits. He has already failed in that endeavor.” Barefoot v. Estelle, 463 U.S. 880, 893 n.4 (1983). Rather, he must demonstrate that the resolution of the habeas petition is debatable among reasonable jurists or that the issues presented were “adequate to deserve encouragement to proceed further.” Slack v. McDaniel, 529 U.S. 473, 483-84 (2000).

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CERTIFICATE OF APPEALABILITY**

The Court's findings regarding its statutory authority, jurisdiction, and power to hear this case are not debatable among reasonable jurists. Petitioner has, therefore, failed to make a substantial showing of the denial of a constitutional right, and the Court further finds that the issues raised in the notice of appeal are not deserving of encouragement to proceed further.

For all of the foregoing reasons, petitioner is not entitled to a certificate of appealability under 28 U.S.C. § 2253.

Dated this 10th day of December, 2007.

Mrs Lasnik  
Robert S. Lasnik  
United States District Judge